

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

Catherine Deegan Patterson, <i>et al.</i>)	
)	
)	
Plaintiffs,)	
)	
v.)	CIVIL ACTION NO. 04-11817 JLT
)	
United States of America, <i>et al.</i>)	
)	
Defendants.)	
)	

UNITED STATES' RENEWED MOTION TO DISMISS

Defendant United States of America hereby renews its motion to dismiss this action for lack of subject matter jurisdiction pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure. The grounds for the motion are set forth in the Memorandum In Support Of United States' Motion To Dismiss, filed on November 22, 2004, which memorandum is incorporated by reference in support of the instant Renewed Motion to Dismiss. The original Motion to Dismiss was denied by Order dated January 20, 2005, without prejudice upon completion of allowed discovery.¹

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¹On January 7, 2004, plaintiffs filed Opposition of Plaintiffs To The United States Motion To Dismiss and a motion for leave to submit additional evidentiary materials by February 22, 2005. On January 11, 2005, the United States filed an opposition to plaintiffs' motion for leave to submit additional evidentiary materials. On January 20, 2005, this Court entered an Order denying without prejudice United States' Motion to Dismiss for Lack of Jurisdiction until completion of the allowed discovery and an order granting plaintiffs' motion for leave to file additional evidentiary materials. On February 23, 2005, plaintiffs filed another motion for extension of time to March 22, 2005, to submit evidentiary materials. On February 24, 2005, the Court granted the plaintiffs' motion for extension of time. On March 22, 2005, Plaintiffs' Submission of Affidavit of Richard Deegan was filed.

Because the plaintiffs have now provided their additional evidentiary materials, the United States renews its motion to dismiss for lack of jurisdiction.

Respectfully submitted,

PETER D. KEISLER
Assistant Attorney General

PHYLLIS J. PYLES
Director, Torts Branch

/s/ Bridget Bailey Lipscomb
BRIDGET BAILEY LIPSCOMB
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ATTORNEYS FOR THE
UNITED STATES

Undersigned counsel certifies that on March 23, 2005, pursuant to LR, D. Mass 7.1(A)(2), she attempted to confer with counsel of record for plaintiffs, Mr. Paul Denver, via telephone as to the filing of this motion. Counsel was unable to speak with Mr. Denver, so she left a voicemail message.

Date: March 23, 2005

Signed: /s/ Bridget Bailey Lipscomb
Bridget Bailey Lipscomb

CERTIFICATE OF SERVICE

I, Bridget Bailey Lipscomb, hereby certify that on March 23, 2005, I served a true copy of United States' Renewed Motion to Dismiss by U.S. mail on:

Neil Rossman
Paul F. Denver
Rossman & Rossman
Marketplace Center - North
200 State Street
Boston, MA 02109

/s/Bridget Bailey Lipscomb
BRIDGET BAILEY LIPSCOMB